

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 02-3817 / 02-3913

PATRICIA T. TOOMEY

v.

STAN TAYLOR; ROBERT
WATSON; ALAN MACHTINGER;
RICK KEARNEY, Warden

Stan Taylor; Robert Watson;
Alan Machtinger; Rick Kearney, Warden

Appellants (02-3913)

Patricia T. Via,
formerly known as Patricia T. Toomey,

Appellant (02-3817)

Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action No. 97-cv-00004)
District Judge: Honorable Joseph J. Farnan, Jr.

Argued October 27, 2003

Before: SCIRICA, Chief Judge, NYGAARD and AMBRO, Circuit Judges

(filed : November 5, 2003)

David A. Boswell, Esquire (Argued)
Schmittinger & Rodriguez
4602 Highway One, Second Floor
First Union Bank Building
Rehoboth Beach, DE 19971

*Attorney for Appellant
(cross Appellee)*

Michael F. Foster, Esquire (Argued)
Stuart B. Drowos, Esquire
Department of Justice
820 North French Street
Wilmington, DE 19801

*Attorneys for Appellees
(cross Appellants)*

JUDGMENT ORDER

After consideration of the record in this case and concluding that this Court has no jurisdiction because the District Court did not rule on the plaintiff's claims for reinstatement, injunctive relief, costs and attorney's fees, and thus did not render a final decision within the meaning of 28 U.S.C. § 1291, it is

ADJUDGED AND ORDERED that the appeal be and is hereby dismissed.

By the Court,

/s/ Thomas L. Ambro
Circuit Judge
